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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,376	09/21/2005	Thomas Lich	10191/4162	4272
26646 7590 08/04/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER TRAN, DALENA				
ART UNIT 3664		PAPER NUMBER		
MAIL DATE 08/04/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,376

Applicant(s)

LICH ET AL

Examiner

Dalena Tran

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10532376	9/21/05	LICH ET AL.	10191/4162

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

Dalena Tran

ART UNIT	PAPER
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3664

20080801

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 4/28/08. As per request, claims 12-13 have been amended. Claims 19-29 have been added. Thus, claims 10-29 are pending.

The prior art submitted on 4/21/05 still has not been considered, because the documents still has not been received yet.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10-17, 19-24, and 28, are rejected under 35 U.S.C. 102(b) as being anticipated by Bohr et al. (US 2002/0165646 A1).

As per claim 10, Bohr et al. disclose a device for determining a center of rotation of a vehicle around a vertical axis of the vehicle, comprising: an arrangement for determining the center of rotation as a function of a yaw rate and a float angle (see [0014-0030]).

As per claim 11, Bohr et al. disclose the arrangement for determining the center of rotation additionally takes into account at least one of a float angle variation and a lateral velocity (see [0016-0029]).

As per claims 12-13, Bohr et al. disclose determining the yaw rate as a function of linear vehicle-dynamic quantities, and determining the float angle as a function of linear vehicle dynamic quantities (see [0014-0015]).

As per claims 14-15, Bohr et al. disclose a sensor system situated at a rear area of the vehicle to detect the float angle, the sensor system includes at least one of an optical, an ultrasound-based, a radar-based and a positioning- based system (see [0013]).

As per claim 16, Bohr et al. disclose a memory in which data relating to the yaw rate and the float angle are stored, the arrangement determining the center of rotation as a function of the data (see [0030]).

As per claim 17, Bohr et al. disclose the device is connected to an Electronic Stability Program (ESP) so that the Electronic Stability Program (ESP) takes the center of rotation into account when determining vehicle-dynamic quantities (see [0013]).

As per claim 19, Bohr et al. disclose an arrangement for determining the yaw rate as a function of linear vehicle-dynamic quantities (see [0013]), wherein the arrangement for determining the center of rotation additionally takes into account at least one of a float angle variation and a lateral velocity (see [0016-0029]).

As per claim 20, Bohr et al. disclose an arrangement for determining the float angle as a function of linear vehicle-dynamic quantities ([0014-0015]).

As per claim 21, Bohr et al. disclose a sensor system situated at a rear area of the vehicle to detect the float angle (see [0013]).

As per claim 22, Bohr et al. disclose the sensor system includes at least one of an optical, an ultrasound-based, a radar-based and a positioning based system (see [0013]).

As per claim 23, Bohr et al. disclose a memory in which data relating to the yaw rate and the float angle are stored, the arrangement determining the center of rotation as a function of the data(see [0030]).

As per claims 24, and 28, Bohr et al. disclose the device is connected to an Electronic Stability Program (ESP) so that the Electronic Stability Program (ESP) takes the center of rotation into account when determining vehicle-dynamic quantities (see [0013]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18, 25, and 29, rejected under 35 U.S.C.103(a) as being unpatentable over Bohr et al. (US 2002/0165646 A1) in view of Hermann et al. (6113138).

As per claims 18, 25, and 29, Bohr et al. do not disclose passenger protection system. However, Hermann et al. disclose the device is connected to a passenger protection system (RHS) so that the passenger protection system (RHS) takes the center of rotation into account when activating passenger protection devices (see columns 1-2, lines 64-44; and columns 6-7, lines 7-58). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teach of Bohr et al. by combining passenger protection system for vehicle safety.

Remarks

6. Applicant's argument filed on 4/28/08 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/
Primary Examiner, Art Unit 3664
August 1, 2008

